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Book Reviews

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Book Reviews

Some Lessons From Our Legal History.

By William Searle Holdsworth. New York: Macmillan Company, 1928.

We are fortunate in beginning our book review this month with another volume by the learned Professor of Law at Oxford University who is the lineal holder of the title conferred upon the great Blackstone. We have here four lectures delivered by Professor Holdsworth upon the Julius Rosenthal Foundation for 1927 at the Law School of Northwestern University. In his opening discourse on the Importance of our Legal History, we have our attention called again to the work that has been done of late years by scholars in England in obtaining from records the important facts with respect to the development of our jurisprudence. The significance of a knowledge of legal history is of peculiar value in the study of case law, and it is only in this way that we can obtain a fair comprehension not merely in the way in which the law has grown but of the close and inseparable connection between subjective and objective law. The second address on the Common Laws Contribution to Political Practice and Theory is significant because of its treatment of the connection between the writ of habeas corpus and the institution of trial by jury. In his lecture on the Rule of Law, we have a discussion of the doctrine of the political sovereignty and its relation to juristic science, and for a closing discussion on the Study of Laws, we have the address given upon the dedication of the Northwestern University Law School Building of Chicago.

The book is, in every way, a valuable addition to our knowledge of the history of the common law.

The Development of Trust Companies in the United States. By James G. Smith. New York: Henry Holt & Co., 1928.

The latest volume in the American business series issued under the editorship of Professor Roswell C. McCrea of

Columbia University is this interesting book.

The development of trust companies in the United States is one of the outstanding phenomena of the past century. It has been estimated that fifty years ago there were only thirty-nine trust companies with a reserve of less than one hundred and twenty-four millions of dollars. Today there are two thousand, seven hundred and thirty-one with banking reserves of over twenty billions of dollars, their assets having increased over one billion dollars in less than a year. The total of trust property administered by corporate fiduciaries is no where recorded.

The time is therefore ripe for the publication of a comprehensive study of the development of trust companies in the United States and their place in its financial, social and economic structure. It is to supply this want that this book has been written.

It deals in the first place with the fiduciary services of banks and trust companies; the legal and economic nature of a trust; trust services for individuals and corporations; and insurance and bank services performed by trust companies. Next follows a history of trusteeship and the historical conditions existing in the United States prior to the last half century. The author deals at much length with current problems in trust company development, including the particular explanation of trust company services and the selling of corporate fiduciary services.

At the end of the book is an exceedingly valuable bibliography of the periodical literature topically arranged. In the appendices are valuable memoranda with regard to trust company charges, statutory provisions and leading cases.

Law for Engineers and Architects. By Lawrence R. Simpson, M.A., J.D. and Essel R. Dillavou, A.B., J. D. St. Paul: West Publishing Company, 1929.

This work emphasizes the fact that the field of practice of engineering and archi-

ture is no longer confined to the designing and supervising the construction of works. Engineers and architects have become counsellors and advisers, and are constantly confronted with legal problems relating to the work upon which they are engaged.

It is the purpose of these writers to state the fundamental principles of law in those branches which bear most directly upon the engineering profession, and to illustrate these principles with cases wherein engineers, architects, builders or owners are involved as parties to the suit. Of course, all of these principles are not illustrated with cases, but there are many such cited. Great emphasis has been given in this book to the law of contracts, perhaps more than to any other subject. The conventional divisions of law are followed and the authors have been wise not to attempt a rearrangement of well-known divisions.

The law of workmen's compensation, mechanic's liens, and rights in land being of special interest to these professions are considered separately. Public utility regulation is explained and to some degree illustrated. At the end of the book will be found a list of standard forms of construction contracts, bidders, special contracts and other similar documents.

The book fills a long-felt want in professional schools, and should meet with much favor.

You and the Law. By S. Boyd Darling, LL.B. New York and London: D. Appleton & Company, 1928.

Here is a practical and handy volume adapted to the use of the average person who is in the habit of asking questions about his legal rights and obligations. It covers in the form of question and answer the main points of law touching the domestic, civil and business relations of men and women. The questions are specific and the answers concrete. For one who does not care for technical law, it is a practical book which will prove of considerable value.

The Law of Bills, Notes, and Checks.

By Melville M. Bigelow, Ph.D. Boston: Little, Brown, and Company, 1928.

This is the third edition of this well-known work, the latest prior edition of which appeared in 1900. Since that time the Negotiable Instruments Law has been passed in substantially all of the States and, on that account, it became necessary to re-write the treatise. This work has been thoroughly and well done by Professor Lile of the University of Virginia. The introductory chapters on non-negotiable securities; the law merchant and its relation to the negotiable instruments act; the relation of the law merchant to the common law; and the several instruments which have come into the law from the law merchant are all discussed at considerable length. In many ways this is perhaps the most desirable text book for students yet on this complicated and difficult subject.

The Law of Building and Use Restrictions in Pennsylvania. By Spencer Ervin. New York: Clark Boardman Company, Ltd., 1928.

A scholarly treatise on restrictions with respect to buildings, that covers a field which has not been cultivated by any other writer. It is more than a mere digest of case law, and is a very largely successful attempt to deal in an adequate way with a very difficult subject. In addition to his consideration of the question of public policy, the author takes up successively the creation of restrictions by means of conditions subsequent; how far restrictions operate as covenants running with the land; whether restrictions are, in fact, easements; and then in considerable detail the question of equitable easements tracing the doctrine from *Tulk v. Moxhay* down to date.

His treatment of the enforcement of the restrictions and the defenses which will be raised are valuable and significant, and his suggestions for different restrictions with forms given probably cannot be found in any other work.

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